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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ALBERT GARCIA MENDEZ,

Defendant and Appellant.

E055581

(Super.Ct.No. RIF1100818)

OPINION

APPEAL from the Superior Court of Riverside County. Michael B. Donner,
Judge. Affirmed.

Mark D. Johnson, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Albert Garcia Mendez guilty of possession
of heroin for sale (Health & Saf. Code, § 11351), and possessing heroin while in the
California Rehabilitation Center (CRC) (Pen. Code, § 4573.6). In a bifurcated
proceeding, the trial court found true that defendant had sustained two prior serious and

violent felony strike convictions. (Pen. Code, §§ 667, subds. (c), (e)(2)(A), 1170.12, subd. (c)(2)(A).)

After the trial court granted defendant's motion to strike one of his prior strike convictions, defendant was sentenced to a total term of eight years in state prison to be served consecutive to any term defendant was serving at the time. Defendant was also awarded presentence custody credits of 417 days. Defendant appeals from the judgment. We find no error and will affirm.

FACTUAL BACKGROUND

On December 19, 2010, defendant's then girlfriend, Mayra Barrientos, visited defendant, who was an inmate in the CRC. Barrientos entered the CRC visiting area carrying two bindles of heroin and asked defendant to sell it for her because she needed money. Defendant hesitated and did not want to, but he eventually agreed to sell the heroin for Barrientos. Barrientos then put one of the bindles of heroin into defendant's jacket pocket.

As defendant was being led away from the visiting area, a correctional officer saw defendant take something from his jacket pocket and place it into his pants pocket. A search of defendant revealed a golf ball-size narcotic object, later determined to be heroin weighing about 24 grams.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of

the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

KING

J.

MILLER

J.